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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Coalition for Sonoran Desert Protection;
Center for Biological Diversity; Friends
of Ironwood Forest; and Tucson
Audubon Society,

Plaintiffs,

v.

Federal Highway Administration, et al.,

Defendants,

and

Arizona Department of Transportation,

Intervenor-Defendant.

No. 4:22-cv-193-JCH

STATUS REPORT

1 On January 22, 2025, the Court granted the Parties' Joint Stipulation to Stay Case.
2 Dkt. 73. Among other things, the Court ordered Federal Defendants to "file a status report
3 on March 21, 2025, and every 180 days thereafter, apprising the Court of the status of the
4 reevaluation and ESA processes, including—to the extent feasible—an estimated timeline
5 for completion, a summary of what items identified in the parties' stipulation [the Federal
6 Highway Administration ("FHWA")] has completed and remain to be completed or will
7 not be completed, and estimated dates for remaining steps to be completed." *Id.* Federal
8 Defendants, along with Intervenor-Defendant the Arizona Department of Transportation
9 ("ADOT"), filed their first report on March 21, 2025 as directed by the Court and
10 incorporate it here by reference. *See* Dkt. 76. Federal Defendants and ADOT submit the
11 following status report:

12 ADOT reports that project funding has been programmed as a result of the State
13 Transportation Board project funding approval process and FHWA funding authorization.

14 As to the EIS reevaluation decision, FHWA, ADOT, and ADOT's contracted
15 consultant (AECOM) participated in a reevaluation kick-off workshop in early July 2025.
16 Under the initial schedule established at this meeting, the estimated timeline for
17 completion is Fall 2026. Team coordination meetings are anticipated to continue on a
18 biweekly basis.

19 Regarding the Endangered Species Act (ESA) effects analysis on the Tier 1 Record
20 of Decision, FHWA, ADOT, and the U.S. Fish and Wildlife Service participated in a pre-
21 consultation meeting on August 4, 2025, participated in a second meeting regarding ESA
22 consultation on August 18, 2025, and participated in a third meeting on September 3,
23 2025. Meetings are anticipated to continue on a biweekly basis. ADOT and FHWA have
24 reviewed a Project Work Plan and draft detailed schedule, and are working with ADOT's
25 contracted consultant on an outline for the ESA Section 7 methodology. FHWA has sent
26 letters to cooperating agencies, and ADOT has sent letters to participating agencies and
27 coordination letters to Tribes, to invite those entities to participate in the re-evaluation
28 effort. At this time, FHWA anticipates that it will complete its reevaluation in Fall 2026.

1 However, it is not feasible at this time to provide an expected timeline for completion of
2 consultation under Section 7 of the ESA because FHWA cannot predetermine whether
3 consultation with the U.S. Fish and Wildlife Service will be required or whether, if
4 required, any consultation will be informal or formal. *See* Dkt. 72 at 3.

5
6 Respectfully submitted, the 17th day of September, 2025.

7 ADAM R.F. GUSTAFSON
8 Acting Assistant Attorney General
9 United States Department of Justice
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10 /s/ Alison C. Finnegan
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